



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

December 22, 2010

Mr. Todd George
Ms. Ann Bright
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR2010-19269

Dear Mr. George & Ms. Bright:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 403986.

The Texas Parks and Wildlife Department (the "department") received a request for all information pertaining to an incident involving a named individual and a named department game warden. You claim the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. This section encompasses information protected by other statutes, including section 414.009 of the Government Code, which provides in pertinent part:

(a) A person who is a member or employee of the [Texas Crime Stoppers Council] or who accepts a report of criminal activity on behalf of a crime stoppers organization commits an offense if the person intentionally or knowingly divulges to a person not employed by a law enforcement agency the content of a report of a criminal act or the identity of the person who made the report without the consent of the person who made the report.

Id. § 414.009. You state the submitted Operation Game Thief Report reflects the content of a report made to Operation Game Thief, a crime stoppers organization. *See id.* § 414.001(2)(B) (defining “crime stoppers organization” as a public organization that is operated on a local or statewide level, that pays rewards to persons who report to the organization information about criminal activity, and that forwards the information to the appropriate law enforcement agency). You state the person who made the report has not consented to the disclosure of his or her identity. Based on your representations and our review, we agree the submitted Operation Game Thief Report, as well as the listed complainant’s identity in the remaining information, are confidential under section 414.009 of the Government Code, and the department must withhold this information under section 552.101 of the Government Code.¹ However, the remaining information does not contain the content of a report to a crime stoppers organization or reveal the identity of a person who made such a report. Thus, no portion of the remaining information is confidential under section 414.009 of the Government Code, and it may not be withheld under section 552.101.

You contend the remaining information is excepted under section 552.108(a)(1) of the Government Code. Section 552.108(a)(1) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” *Id.* § 552.108(a)(1). Generally, a governmental body claiming section 552.108(a)(1) must reasonably explain how and why release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the remaining information is related to an ongoing criminal investigation being conducted by department game wardens, and that disclosure of this information at this time would interfere with this ongoing criminal investigation. Based upon this representation and our review, we conclude the release of the remaining information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, the department may withhold the remaining information under section 552.108(a)(1) of the Government Code.

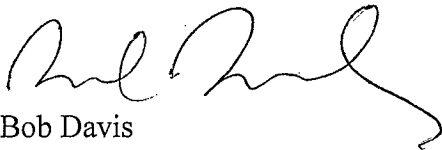
In summary, the department must withhold the submitted Operation Game Thief Report and the complainant’s identity from the remaining information under section 552.101 of the Government Code in conjunction with section 414.009 of the Government Code. The department may withhold the remaining information under section 552.108(a)(1) of the Government Code.

¹As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Davis', with a long, sweeping horizontal line extending to the right.

Bob Davis
Assistant Attorney General
Open Records Division

RSD/tf

Ref: ID# 403986

Enc. Submitted documents

c: Requestor
(w/o enclosures)